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**From:** Okorn, Barbara [Okorn.Barbara@epa.gov]  
**Sent:** 1/26/2021 7:36:03 PM  
**To:** Isales, Daniel [Isales.Daniel@epa.gov]; Rowsey, Kevin [rowsey.kevin@epa.gov]; Bennett, James [bennett.james@epa.gov]; Dangelo, AJ [Dangelo.Aj@epa.gov]; Bryant, Renee [bryant.renee@epa.gov]; Rectenwald, David [Rectenwald.Dave@epa.gov]; Gleason, Patricia [Gleason.Patricia@epa.gov]  
**Subject:** RE: Draft Email to Seneca Nation

Good job Kevin,  
I'm in training all afternoon. I'm good with whatever revisions are decided.  
Barb

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**From:** Isales, Daniel <Isales.Daniel@epa.gov>  
**Sent:** Tuesday, January 26, 2021 2:30 PM  
**To:** Rowsey, Kevin <rowsey.kevin@epa.gov>; Okorn, Barbara <Okorn.Barbara@epa.gov>; Bennett, James <bennett.james@epa.gov>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>  
**Subject:** RE: Draft Email to Seneca Nation

Overall, looks great, Kevin, and agree with Jim that you did an excellent job. There are a lot of cooks in this kitchen, so feel free to ignore the comments that follow, particularly as they are not truly legal in nature. And as between attorney comments, certainly pay more attention to A.J.'s than to mine. I would modify the suggestions from our Region 2 colleague by striking what he stated in his email and replace it as follows:

~~Firstly, I just wanted to give a little bit of background information on why the U.S. EPA Region 3, to date, has not conducted a formal consultation with the Seneca Nation of Indians by mentioning the following:~~

- ~~• When R2 and R3 jointly consulted with the Seneca Nation in September 2018, the Nation requested better notification and communication on R3 surface water related matters. EPA agreed to provide this. Our discussion at that time focused mainly on surface water (NPDES, etc.) because of the Nation's oil and gas waste water discharge concern into the Allegany River near Coudersport.~~
- ~~• In 2019, all regions reorganized and the UIC program (which was formally in the enforcement program) was moved to the Water Division. So inclusion of UIC matters was not considered back in 2018 in our initial discussions with the nation.~~
- ~~• Region 2 and Region 3 were not aware of this UIC issue since the regional programs tend not to coordinate on shared issues (drinking water vs surface water). Unlike surface waters, which can cross regional boundaries, injection wells are stationary entities. Moving forward, better coordination with regard to drinking water and surface water matters by EPA will occur~~

I would like to start out by stating that in line with the September 2018 consultation that took place between EPA Regions 2 and 3 and the Seneca Nation, we have been focusing on potential consultation matters that focused on surface water related matters. Now that we are aware of the potential interest by the Seneca Nation in the UIC program and the installation of stationary sources such as the injection wells we will ensure that continued coordination in this area occurs as well.

Daniel L. Isales (3RC50)  
United States Environmental Protection Agency, Region III  
Environmental Science Center  
701 Mapes Road  
Fort Meade, Maryland 20755-5350

(410) 305-3016

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**From:** Rowsey, Kevin <[rowsey.kevin@epa.gov](mailto:rowsey.kevin@epa.gov)>

**Sent:** Tuesday, January 26, 2021 2:12 PM

**To:** Okorn, Barbara <[Okorn.Barbara@epa.gov](mailto:Okorn.Barbara@epa.gov)>; Bennett, James <[bennett.james@epa.gov](mailto:bennett.james@epa.gov)>; Dangelo, AJ <[Dangelo.Aj@epa.gov](mailto:Dangelo.Aj@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Bryant, Renee <[bryant.renee@epa.gov](mailto:bryant.renee@epa.gov)>; Rectenwald, David <[Rectenwald.Dave@epa.gov](mailto:Rectenwald.Dave@epa.gov)>; Gleason, Patricia <[Gleason.Patricia@epa.gov](mailto:Gleason.Patricia@epa.gov)>

**Subject:** Draft Email to Seneca Nation

***All, below is what I have so far. I tried to incorporate Grant's information regarding the coordination of R2 & R3's Water Divisions. Please make any changes you see fit.***

Dear Mr. Redeye,

Thank you for reaching out to me regarding the proposed Roulette Oil & Gas Underground Injection Control (UIC) Class II injection well.

Firstly, I just wanted to give a little bit of background information on why the U.S. EPA Region 3, to date, has not conducted a formal consultation with the Seneca Nation of Indians by mentioning the following:

- When R2 and R3 jointly consulted with the Seneca Nation in September 2018, the Nation requested better notification and communication on R3 surface water related matters. EPA agreed to provide this. Our discussion at that time focused mainly on surface water (NPDES, etc.) because of the Nation's oil and gas waste water discharge concern into the Allegany River near Coudersport.
- In 2019, all regions reorganized and the UIC program (which was formally in the enforcement program) was moved to the Water Division. So inclusion of UIC matters was not considered back in 2018 in our initial discussions with the nation.
- Region 2 and Region 3 were not aware of this UIC issue since the regional programs tend not to coordinate on shared issues (drinking water vs surface water). Unlike surface waters, which can cross regional boundaries, injection wells are stationary entities. Moving forward, better coordination with regard to drinking water and surface water matters by EPA will occur

Additionally, EPA intends on hosting a virtual public hearing for this proposed permit. I've listed the call-in information and instructions on how to participate in the Public Hearing below:

**Call-in Number: (866) 609-3139  
PM EST**

**Tuesday, February 2, 2021**

**6:00-8:00**

**There is no need to register for the virtual hearing. You may call 15 minutes in advance of the start time during the session to listen to the hearing. During the hearing, callers will receive instructions on how to join the queue to make a comment. The operator will call on people to deliver their oral comments. The virtual hearing is an audio-only teleconference. Participants who want to supply written or printed materials, should do so via email to [rowsey.kevin@epa.gov](mailto:rowsey.kevin@epa.gov).**

The draft permit, statement of basis for the draft permit, and all permit application materials have been posted on EPA's website at <https://www.epa.gov/pa/epa-public-notice-pennsylvania>. I have also attached the Public Notice for this draft permit to this email for your review.

Lastly, I wanted to try to ease some of your concerns in regards to the proposed injection well. The proposed injection project is a UIC Class II injection well. The United States Code of Federal Regulations classify Class II

injection wells as those wells that are used only to inject fluids associated with oil and natural gas production. This particular well will be used for the disposal of brine that's been brought to the surface during conventional oil and gas production. I want to make it clear that unconventional fluids (those related to hydrofracturing or "fracking") will not be injected. Furthermore, only fluids produced from Roulette's oil and gas operations will be injected.

I also wanted to touch on the topic of contamination of the headwaters of the Allegany River. As part of the UIC application process, the applicant must identify all surface bodies of water and all springs within a 1/2-mile of the wellbore. Within this radius, Roulette identified two intermittent stream drainages and no perennial streams or permanent streams that exist year-round. The only spring that exists is further than 1/2-mile from the wellbore. Moreover, injection in this well will take place at depths approximately 1,490 to 1,833 feet below ground surface and does not pose a risk to contaminating any surface water bodies. The only contamination that could happen at the surface would be a surface spill of brine. However, even with that, it's unlikely that a spill would make it's way to the one of the headwaters of the Allegany River.

EPA would like to extend an opportunity to speak about these matters further and to discuss any additional concerns the Seneca Nation may have. If you'd like to have a meeting prior to the public hearing next Tuesday, the UIC Program in Region 3 is certainly amenable to that. I've listed a few times that we're available in the next few days for a discussion if you'd like to have one. I've listed those times below:

Thursday, January 28, 2021	1:00 – 2:00 PM EST
Friday, January 29, 2021	11:00 – 12:00 PM EST
Monday, February 1, 2021	10:00 – 11:00 PM EST

Please let me know if you'd like to meet at one of these times and I'll set up a meeting using Microsoft Teams.

I look forward to hearing from you.

Respectfully,

**Kevin Rowsey**  
Source Water & UIC Section  
Water Division  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
Phone: 215.814.5463